

MELANIE D. MORGAN, ESQ.
Nevada Bar No. 8215
REX D. GARNER, ESQ.
Nevada Bar No. 9401
Akerman LLP
1160 Town Center Drive, Suite 330
Las Vegas, NV 89144
Telephone: (702) 634-5000
Facsimile: (702) 380-8572
Email: melanie.morgan@akerman.com
Email: rex.garner@akerman.com

Attorneys for Plaintiff BANK OF AMERICA, N.A.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BANK OF AMERICA, N.A.,

Plaintiff,

vs.

WESTCHESTER HILLS HOMEOWNERS'
ASSOCIATION; PREMIER ONE HOLDINGS,
INC.; RILLAN FAMILY INVESTMENT, LLC,
and NEVADA ASSOCIATION SERVICES,
INC.,

Defendants.

Case No.: 2:16-cv-01444-GMN-NJK

**STIPULATION AND ORDER TO STAY
CASE AND ALL DISCOVERY PENDING
RESOLUTION OF PENDING MOTION
FOR SUMMARY JUDGMENT**

Bank of America, N.A. (**BANA**), and defendants Westchester Hills Homeowners' Association, Premier One Holdings, Inc., and Rillan Family Investment, LLC (**defendants**) (collectively, **the parties**) stipulate to staying all discovery while the Court considers and rules on BANA's pending dispositive motion (ECF No. 26).

This lawsuit involves claims for quiet title/declaratory relief related to the April 19, 2013 non-judicial homeowners' association foreclosure sale conducted on property located at 9071 Westchester Hill Avenue, Las Vegas, Nevada 89148 pursuant to NRS 116 (**HOA Sale**). BANA has filed a motion for partial summary judgment (ECF No. 26) raising a purely legal issue that can be

resolved without discovery: whether the HOA Sale extinguished BANA's interest because the Nevada HOA foreclosure statute is facially unconstitutional, as set forth in *Bourne Valley Court Tr. v. Wells Fargo Bank, N.A.*, 832 F.3d 1154, 1159 (9th Cir. 2016), *cert. denied*, 137 S. Ct. 2296 (June 26, 2017). The other parties reserve their right to oppose that motion, but agree to a stay.

Respectfully submitted on November 21, 2017.

AKERMAN LLP

/s/ Rex Garner
MELANIE D. MORGAN, ESQ.
Nevada Bar No. 8215
REX GARNER, ESQ.
Nevada Bar No. 9401
1160 Town Center Drive, Suite 330
Las Vegas, Nevada 89144

Attorneys for Plaintiff Bank of America, N.A.

MORRIS LAW CENTER

/s/ Sarah A. Morris
SARAH A. MORRIS, ESQ.
Nevada Bar No. 8461
6085 West Twain Avenue, #201
Las Vegas, Nevada 89103

Attorney for Defendant Premier One Holdings, Inc.

LIPSON NEILSON COLE SETLZER & GARIN

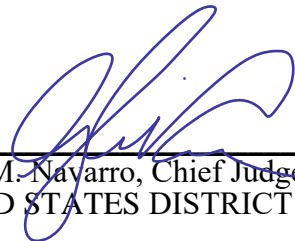
/s/ Eric N. Tran
KALEB D. ANDERSON, ESQ.
Nevada Bar No. 7582
ERIC N. TRAN, ESQ.
Nevada Bar No. 11876
9900 Covington Cross Drive, Suite 120
Las Vegas, Nevada 89140

Attorneys for Defendant Westchester Hills Homeowners Association

ORDER

IT IS SO ORDERED.

DATED this 28 day of November, 2017



Gloria M. Navarro, Chief Judge
UNITED STATES DISTRICT JUDGE